HIS TABERNACLE FAMILY CHURCH, INC. and MICHEAL SPENCER,

Plaintiffs,

v.

STEVEN A. NIGRELLI, Acting Superintendent of the New York State Police, in his official and individual capacities; WEEDEN A. WETMORE, District Attorney for the County of Chemung, New York, in his official and individual capacities; and MATTHEW VAN HOUTEN, District Attorney for the County of Tompkins, New York, in his official and individual capacities,

Defendants.

Civil Action No. 6:22-cv-06486

NOTICE OF MOTION TO ADMIT ERIN E. MURPHY PRO HAC VICE

PLEASE TAKE NOTICE that upon the Motion to Admit Erin E. Murphy *Pro Hac Vice*, I move the Court pursuant to Rule 83.1(d) of the Local Rules of Civil Procedure of the United States District Court for the Western District of New York for an Order allowing the admission of Erin E. Murphy, an attorney with Clement & Murphy, PLLC, 706 Duke Street, Alexandria, VA 22314, and a member in good standing of the Bar of the State of Virginia and the Bar of the District of Columbia, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel for Plaintiffs, His Tabernacle Family Church, Inc. and Micheal Spencer. There are no pending disciplinary proceedings against me in any State or Federal court.

Dated: November 7, 2022.

Respectfully submitted,

Erin E. Murphy\
CLEMENT & MURPHY, PLLC

706 Duke Street

Alexandria, VA 22314

Tel: (202) 742-8900

erin.murphy@clementmurphy.com

HIS TABERNACLE FAMILY CHURCH, INC. and MICHEAL SPENCER,

Plaintiffs,

٧.

STEVEN A. NIGRELLI, Acting Superintendent of the New York State Police, in his official and individual capacities; WEEDEN A. WETMORE, District Attorney for the County of Chemung, New York, in his official and individual capacities; and MATTHEW VAN HOUTEN, District Attorney for the County of Tompkins, New York, in his official and individual capacities,

Defendants.

Civil Action No. 6:22-cv-06486

MOTION TO ADMIT ERIN E. MURPHY *PRO HAC VICE*

MOTION FOR ADMISSION PRO HAC VICE

Erin E. Murphy ("Applicant") respectfully moves the Court to grant her *admission pro hac vice* to the United States District Court for the Western District of New York to represent, His Tabernacle Family Church, Inc. and Micheal Spencer in this case.

 Applicant is an attorney and member of the law firm Clement & Murphy, PLLC located at:

MAILING ADDRESS: 706 Duke Street, Alexandria, VA 22314

TELEPHONE: (202) 742-8900

EMAIL: erin.murphy@clementmurphy.com

Applicant is a member in good standing of the Bar of the State of Virginia and, and the Bar of the District of Columbia.

STATE	ADMISSION DATE	BAR NO.
Virginia	10/12/2006	73254
D.C.	08/09/2010	995953

- There are no pending disciplinary proceedings against the Applicant in any State or Federal court.
- 4. The Applicant has never been censured, suspended, disbarred, or denied admission or readmission by any court, state, or the District of Columbia.
- 5. The Applicant has never been convicted of a felony.
- 6. Wherefore, Applicant respectfully requests that this Court enter an order permitting the admission of Erin E. Murphy to the Western District of New York *pro hac vice* in the above-captioned matter for Plaintiffs His Tabernacle Family Church, Inc. and Micheal Spencer.

Dated: November 7, 2022

Erin E. Murphy

Virginia Bar No. 7/2/54

CLEMENT & MURPHY, PLLC

706 Duke Street

Alexandria, VA 22314

Tel: (202) 742-8900

erin.murphy@clementmurphy.com

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2022, I filed a true and accurate copy of the foregoing Motion for Admission Pro Hac Vice via CM/ECF, which electronic system will serve a copy of the same on counsel of record who have entered an appearance in this matter.

/s/ Anjan K. Ganguly

ANJAN K. GANGULY
Counsel for Plaintiffs His Tabernacle Family
Church, Inc. and Micheal Spencer

Print

IN THE MATTER OF TH	E APPLICATION OF	_
Erin E. Murphy		
, ,	RACTICE AS AN ATTORNEY	
TO THE HONORABLE		
	STRICT OF NEW YORK:	
That petitioner has an orange in the second se	ffice for the practice of law at:	
Clement & Murphy,	PLLC, 706 Duke Street, Alexandr	a, VA 22314
-	the following educational institutions and re Law Center: Juris Doctorate	ceived the following degrees:
Please complete either ((a) That petitioner was adm New York on the da	. Admission by P	etition the Supreme Court, Department of the State of
Additional Requirements:	Admission Sponsoring Affidavit Attorney's Oath Civility Principles Oath Attorney Database Form Attorney CM/ECF Registration Form *Include the Pro Bono Volunteer Panel F Court's Volunteer Pro Bono Panel.	form if you wish to become a member of the
	Admission by Certificate of	f Good Standing
on the day of	itted to practice in the United States Distric , and is a member naintains an office for the practice of law.	t Court of the District of New York of the bar of the State in which that district court is located
Additional Requirements:	Schedule of Fees Attorney's Oath Civility Principles Oath Attorney Database Form Attorney CM/ECF Registration Form *Include the Pro Bono Volunteer Panel Form Volunteer Pro Bono Panel.	is prior to submission to this Court) the Attorney Admission fee set forth in the District Court orm if you wish to become a member of the Court's
	Pro Hac Vice Admis	<u>ision</u>
(c) That petitioner is admitted	ed to practice in the State of Virginia	
Additional Requirements:	Motion to Appear Pro Hac Vice Check, Money Order or payment of fee District Court Schedule of Fees Admission Petition Form Admission Sponsor Affidavit Attorney's Oath Civility Principles Oath Attorney Database Form Attorney CM/ECF Registation Form	on line in the amount of the Pro Hac Fee set forth in the

4. Petitioner is admitted to the following courts:

See attached addendum

5. Since such admission(s), petitioner has practiced in the following courts:

See attached addendum

and has been involved in the following professional activities:

See attached addendum

- 6. That petitioner or the petitioner's client (in a case in which the applicant represented the client) has never been held in contempt of court, sanctioned, censured in a disciplinary proceeding, suspended or disbarred by any court or admonished by any disciplinary committee of the organized bar, nor is the subject of any pending complaint before any court. (If number 6 is not true, the applicant shall strike that paragraph and shall file a separate confidential statement under seal specifying the court or disciplinary committee imposing the sanction, the date, the facts giving rise to the disciplinary action or complaint, the sanction imposed, and such other information, including any facts of a mitigating or exculpatory nature as may be pertinent, and such confidential statement, together with the petition, shall promptly be transmitted by the Clerk to the Chief Judge of the District for review.)
- 7. That petitioner has read and is familiar with the provisions of Title 28 of the United States Code that pertain to jurisdiction of and venue in a United States District Court, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Evidence, the Local Rules of Practice for the United States District Court for the Western District of New York and the New York Rules of Professional Conduct (22 NYCRR Part 1200).

WHEREFORE, the petitioner respectfully requests to be admitted as an attorney in the United States District Court for the Western District of New York.

I verify under penalty of perjury that the foregoing is true and correct.

(Signature df Petitioner)

Sworn to before me this & day of NOV

2022

Notary Public

My com exp 4/36/2025 #795 1260

(Revised 2020)

NOTARY
PUBLIC
PUBLIC
REG. #7951286
MY COMMISSION
MINIMALIAN

Addendum to Erin E. Murphy Application for Admission

- 4. Petitioner is admitted to the following courts:
 - United States Supreme Court
 - o United States First Circuit Court of Appeals
 - United States Second Circuit Court of Appeals
 - United States Third Circuit Court of Appeals
 - United States Fourth Circuit Court of Appeals
 - United States Fifth Circuit Court of Appeals
 - o United States Sixth Circuit Court of Appeals
 - o United States Seventh Circuit Court of Appeals
 - o United States Eighth Circuit Court of Appeals
 - o United States Ninth Circuit Court of Appeals
 - o United States Tenth Circuit Court of Appeals
 - o United States Eleventh Circuit Court of Appeals
 - o United States District of Columbia Circuit Court of Appeals
 - o United States District Court for the District of the District of Columbia
 - United States District Court for the Northern District of Florida
- 5. Petitioner has practiced in all of the Courts where she has been admitted.
- 6. Petitioner is involved in the following professional activities
 - o Adjunct Professor at Georgetown University Law Center
 - o Member of Edward Coke Appellate Inn of Court
 - o Board Member of Street Law and Mother of Light Center

IN THE MATTER OF THE APPLICATION OF	
Erin E. Murphy	
(Name) TO BE ADMITTED TO PRACTICE AS AN ATTORNEY	SPONSORING AFFIDAVIT
STATE OF TEXAS)) ss; COUNTY OF COLLIN)	
Keisha T. Russell	
being duly sworn deposes	and says:
1. I reside at: 7750 Walnut Hill Lane #2085, Dallas, TX 752	30
and maintain an office for the practice of law at: First Liberty Institute	
2001 W. Plano Pkwy, #1600 Plano, TX 7507	5
· ·	
2. I am an attorney at law, admitted to practice in the state of New York	
Western District of New York on the 13th day of November 20	
October 2022	_ and under the following
circumstances: We are co-counsel in a case currently pending	ig before
this Court.	
4. I know the following about the petitioner's moral character and fitness to be admitted to pre She possesses the requisite moral and chara	
be admitted to practice in this Court.	,
Signature of S	ponsoring Attorney
Almenher 2022	
Sworn to before me this 3 day of November , 2022	<u> </u>
Relia Bek De Manage Public Son	Robin Beth DeMarino My Commission Expires 05/25/2025 ID No. 133119105

ATTORNEY'S OATH

STATE OF Virginia)		
Fairfax	COUNTY) SS:)		
I _, Erîn E. Murp	ohy	of Alexand	dria, VA	
do solemnly swear or	affirm that I will o	demean myself, as ar		, State iselor of the United
States District Court f	or the Western D	istrict of New York,	uprightly and accor	rdingly to law; and I will
support the Constituti	on of the United	States. So help me (Signature of Atten	They
Subscribed and sword day of Novem	ber, 202		V	acatta titta jar
	Notary Public	y con exp 4/30/20 #79	, 25 51260	NOTARY PUBLIC SENTENCE AT THE MENTAL OF THE

CIVILITY PRINCIPLES AND GUIDELINES

PREAMBLE

A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth- seeking process designed to resolve human and societal problems in a rational, fair, and efficient manner.

A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges, we owe to all participants in a legal proceeding respect, diligence, punctuality, and protection against unjust and improper criticism or attack.

Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, fairly, and efficiently. Such conduct tends to delay and often to deny justice.

The following Guidelines are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

We encourage judges, lawyers and clients to make a mutual and firm commitment to these Guidelines.

We support the principles espoused in the following Guidelines, but under no circumstances should these Guidelines be used as a basis for litigation or for sanctions or penalties.

Lawyers' Duties to Other Counsel

1. We will practice our profession with a continuing awareness that our role is to zealously advance the legitimate interests of our clients. In our dealings with others, we will not reflect the ill feelings of our clients. We will treat all other counsel, parties, and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications, including social media. We will refrain from acting upon or manifesting bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status toward any participant in the legal process.

- 2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties, or witnesses. We will treat adverse witnesses and parties with fair consideration.
- 3. We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.
- 4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel.
- 5. We will not lightly seek court sanctions.
- 6. We will in good faith adhere to all express promises and to agreements with other counsel, whether oral or in writing, and to all agreements implied by the circumstances or local customs.
- 7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide other counsel the opportunity to review the writing. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to other counsel's attention. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition. This requirement may be satisfied by the use of legal redline or blackline.
- 8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement to obtain unfair advantage.
- 9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.
- 10. We will not use any form of discovery or discovery scheduling as a means of harassment.
- 11. Whenever circumstances allow, we will make good faith efforts to resolve by agreement objections before presenting them to the court.
- 12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
- 13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain unfair advantage.
- 14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
- 15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel.

- 16. We will promptly notify other counsel and, if appropriate, the court or other persons, when hearings, depositions, meetings, or conferences are to be canceled or postponed.
- 17. We will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided our clients' legitimate rights will not be materially or adversely affected.
- 18. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity, unless the rules provide otherwise.
- 19. We will take depositions only when actually needed. We will not take depositions for the purpose of harassment or other improper purpose.
- 20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.
- 21. We will not obstruct questioning during a deposition or object to deposition questions unless permitted under applicable law.
- 22. During depositions, we will ask only those questions we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action.
- 23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party, or for any other improper purpose.
- 24. We will respond to document requests reasonably and not strain to interpret requests in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents, or to accomplish any other improper purpose.
- 25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action, and we will not design them to place an undue burden or expense on a party, or for any other improper purpose.
- 26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information, or for any other improper purpose.
- 27. We will work cooperatively with all counsel on e-discovery issues, and, if necessary, involve information technology personnel to collaborate on e-discovery issues.
- 28. We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information, or for any other improper purpose.

- 29. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.
- 30. We will not ascribe a position to another counsel that counsel has not taken.
- 31. Unless permitted or invited by the court, we will not send copies of correspondence among counsel to the court.
- 32. We will accept primary responsibility, after consultation with the client, for making decisions about procedural agreements. We will explain to our clients that cooperation among counsel in such matters is the professional norm and may be in the clients' interests. We will explain the nature of the matter at issue in any such proposed agreements and explain how such agreements do not compromise the clients' interests.
- 33. Nothing contained in these Guidelines is intended nor shall these Guidelines be construed to inhibit vigorous advocacy, including vigorous cross-examination.

Lawyers' Duties to the Court

- 1. We will speak and write civilly and respectfully in all communications with the court.
- 2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
- 3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
- 4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
- 5. We will not knowingly misrepresent mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.
- 6. We will not communicate *ex parte* with the court, including the judge's staff, on substantive matters in pending actions, except in an emergency situation or when permitted by the court or by law.
- 7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.

8. We will act and speak civilly to court marshals, clerks, court reporters, probation staff, judicial assistants, and law clerks with awareness that they, too, are an integral part of the judicial system.

Court's Duties to Lawyers

- 1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.
- 2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.
- 3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.
- 4. In scheduling all hearings, meetings and conferences, we will be considerate of time schedule of lawyers, parties, and witnesses.
- 5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.
- 6. We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.
- 7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.
- 8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record, and to present a case free from unreasonable or unnecessary judicial interruption.
- 9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.
- 10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.
- 11. At an appropriate time and in an appropriate manner, we will bring to a lawyer's attention conduct that we observe that is inconsistent with these standards.

Judges' Duties to Each Other

- 1. We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.
- 2. In all written and oral communications, we will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge.
- 3. We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

APPENDIX TO CIVILITY PRINCIPLES OATH OF OFFICE

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the Constitution of the State of New York; I will maintain the respect due to Courts of Justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust nor any defense that I do not believe to be honestly debatable under the law of the land;

In maintaining the causes confided to me, I will employ only means that are honorable, and will never seek to mislead the judge or jury by an artifice or false statement of fact or law;

I will maintain the confidences and preserve inviolate the secrets of my client, and will accept compensation solely from the client or a third-party with the knowledge and approval of the client;

I will abstain from all offensive behavior and advance no fact prejudicial to the honor and reputation of a party or witness, unless my ethical duty requires;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the bar who practice law in this State and before this Court.

(Signature)

UNITED STATES DISTRICT COURT

Western District of New York

ATTORNEY DATABASE & ELECTRONIC CASE FILING REGISTRATION FORM

The Clerk's Office maintains a computerized database of attorneys admitted in the District. To ensure the data we enter for you is correct, please fill out the form below and submit it with your other papers when you are admitted. Our local rules require you to report name, firm affiliation, office address or phone number changes within 30 days.

This form shall also be used to register for an account on the Courts' Case Management/Electronic Files (CM/ECF) system. Registered attorneys will have privileges to electronically submit and to view the electronic docket sheets and documents. By registering, attorneys consent to receiving electronic notice of filings through the system. The following information is required for registration:

Instructions: PLEASE TYPE OR PRINT. If you use two surnames or have a hyphenated surname, please indicate how you would like the name entered into our records, i.e., first surname as middle name, both surnames in last name field, etc.

First Name: Erin				
Middle Name or Initial: E.				
Last Name: Murphy				
Firm Name: CLEMENT & MURPHY, PLLC				
Firm Address: 706 Duke Street				
Suite:				
City: Alexandria State: VA Zip: 22314				
Phone Number: 202_742_8900 FAX Number:				
Primary E-Mail Address: erin.murphy@clementmurphy.com				
Additional E-Mail Address:				
Does your E-Mail Software support HTML messages? Yes_X No				

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Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Western District of New York.
Method of Admission: pro hac vice (Petition, Certificate of Good Standing, pro hac vice)
Date admitted to practice in this Court: pending (write "pending" if admission is pending)
If admitted pro hac vice: Date motion for pro hac vice granted: in case number:
By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b) and 77(d) via the Court's electronic filing system. The combination of user id and password will serve as the signature of the attorney filing the documents.
Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised.
Signature of Registrant Date
Please note that this form is required to be completed by any new attorneys seeking to be admitted to this District. If you have been previously admitted to practice in this court and are submitting this registration to request an account, you may fax the form to (716) 551-1705, or mail it to the following address:
Mary C. Loewenguth United States District Court Attn: CM/ECF Registration 2 Niagara Square Buffalo, New York 14202
*OPTIONAL: Your login and password will be sent to you by the Office of the Clerk via the e-mail address you provided on your registration form. If you prefer to have your login and password sent by <u>U.S. Mail</u> , please write the address below and mark your initials as approval for an alternate delivery method:
Firm Address:
Attorney Initials: